

PATENT – Docket Number: 06000 USA

Remarks

In the Office Action of 8 September 2003, the Examiner stated that Applicants' amendment filed on 16 June 2003 was not fully responsive to the prior Office Action, in particular, Applicants failed to provide a response to the rejection based on Applicants' admissions. Although Applicants believed that their amendment was fully responsive, Applicants provide the following remarks with respect to such rejection.

In the earlier amendment filed on 16 June 2003, Applicants argued that the process as defined in the amended claims is novel over Dean *et al.* Applicants also argued in detail that the skilled person would not consider Dean *et al.* when faced with the problem of reducing or eliminating foaming during anaerobic fermentation to produce beer.

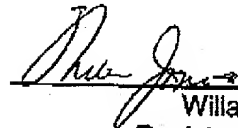
Due to the dependency of Claims 10 and 21, Applicants submit that the interpretation of these claims is that a molecular oxygen containing gas is introduced into the fermenting broth only at start up of the process. On this basis, in the unlikely event that the skilled person would consider Dean *et al.*, Applicants submit that the skilled person would not arrive at the process as defined by Claims 10 and 21 in any event as there is no suggestion in Dean *et al.* to oxygenate the fermenting broth only at start-up. In contrast, Dean *et al.* specifically discloses aerobic fermentation processes in which oxygenation continues throughout the fermentation not only at start-up.

Conclusion

In view of the foregoing remarks, Applicants respectfully submit that the claims are now in condition for allowance. Further examination, and reconsideration and withdrawal of all outstanding rejections, is respectfully requested, and the Examiner is encouraged to issue a formal Notification of Allowance.

PATENT – Docket Number: 06000 USA

Respectfully submitted,



Willard Jones, II  
Registration No. 31,172

Air Products and Chemicals, Inc.  
7201 Hamilton Boulevard  
Allentown, Pennsylvania 18195-1501  
Telephone Number: (610) 481-4587  
Telefax Number: (610) 481-7083

RECEIVED  
CENTRAL FAX CENTER  
SEP 25 2003

OFFICIAL